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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,058	11/30/2001	David W. Threadgill	421/34/2	6701

25297 7590 11/19/2002

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EXAMINER

CHEN, LIPING

ART UNIT	PAPER NUMBER
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1632

DATE MAILED: 11/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,058

Applicant(s)

THREADGILL ET AL.

Examiner

Liping Chen

Art Unit

1632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-59 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: _____

Election/Restriction

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-27 and 46-53, drawn to a method for identifying a genetic locus that modulates a phenotype from a renewable population, wherein the renewable population is an animal, or a method for identifying an interaction between a genetic locus and a non-genetic factor, by mapping the genomes of individuals within the population, classified in 435, subclass 6.
- II. Claims 1-4, 8-9, 11-13, 15-27 and 46-53, drawn to a method for identifying a genetic locus that modulates a phenotype from a renewable population, or a method for identifying an interaction between a genetic locus and a non-genetic factor, by mapping the genomes of individuals within the population, wherein the renewable population is a plant, classified in 435, subclass 6.
- III. Claims 28-45, drawn to a method for producing a renewable population of genetically diverse individuals, wherein the renewable population is an animal, a renewable population produced, classified in 800, subclass 21+.
- IV. Claims 28-30, 34-35, 37-39, 41-45, drawn to a method for producing a renewable population of genetically diverse individuals, wherein the

Art Unit: 1632

renewable population is a plant, and a renewable population produced, classified in 800, subclass 200.

- V. Claims 54 and 55, drawn to a method for identifying an epistatic interaction between genetic loci that modulate a phenotype or a method of identifying an epistatic interaction between gene networks, classified in class 435, subclass 6.
- VI. Claims 56-59, drawn to a method for producing recombinant inbred lines of animal, classified in 800, subclass 13.
- VII. Claims 56-59, drawn to a method for producing recombinant inbred lines of plant, classified in 800, subclass 295+.

The inventions are distinct, each from the other because:

Groups I, III and VI are directed to method of using or testing an animal.

Groups II, IV and VII are directed to methods of using or testing a plant.

Groups I-VII are distinct from each other because they are drawn to materially different methods, which differ at least in objectives, method steps, reagents and/or dosages, and/or schedules used, response variables, criteria for success, and separate search. Thus, groups I-VI are patentably distinct from each other.

Art Unit: 1632

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, because of their recognized divergent subject matter, and the search required for any group is not required for remaining groups, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143.)


Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liping Chen, whose telephone number is (703) 305-4842. The examiner can normally be reached on Monday through Friday from 8:00 to 5:00 (Eastern Standard Time). Should the examiner be unavailable, inquiries should be directed to Deborah Reynolds, Supervisory Primary Examiner of

Art Unit: 1632

Art Unit 1632, at (703) 305-4051. Any administrative or procedural questions should be directed to Dianiece Jacobs, Patent Analyst, at (703) 305-3388. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center number is (703) 308-8724.

Liping Chen, Ph.D.
Patent Examiner
Group 1632


DEBORAH J. REYNOLDS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600